

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
) MUR 4940
Campaign for America and Eileen)
Capone, as treasurer; Jerome)
Kohlberg; Douglas C. Berman)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on January 17, 2001, do hereby certify that the Commission took the following actions with respect to MUR 4940:

A. Decided by a vote of 5-0 to:

Find reason to believe that Campaign for America violated 2 U.S.C. § 434(c)(2) and 11 CFR §§ 104.4(c)(2) and 109.2(a) with respect to its failure to file a Form 5 with the Secretary of the Senate by October 22, 1998, take no further action regarding this violation, and send an admonishment letter.

Commissioners McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision. Commissioner Mason recused himself with respect to MUR 4940; he was not present and did not vote.

(continued)

B. Failed in a vote of 2-3 to pass a motion to:

1. Find no reason to believe that Campaign for America violated 2 U.S.C. §§ 433, 434(a), 441a(f), and 441d(a)(3).
2. Find no reason to believe that Jerome Kohlberg violated 2 U.S.C. § 441a(a)(1)(C) and (a)(3).
3. Find no reason to believe that Douglas C. Berman and Eileen Capone violated the Act.
4. Approve the appropriate letters and close the file, as recommended in the General Counsel's Report dated December 19, 2000.

Commissioners Smith and Wold voted affirmatively for the motion. Commissioners McDonald, Sandstrom, and Thomas dissented. Commissioner Mason recused himself with respect to MUR 4940; he was not present and did not vote.

C. Decided by a vote of 5-0 to:

Close the file in MUR 4940 and
send the appropriate letters.

(continued)

Commissioners McDonald, Sandstrom, Smith, Thomas, and Wold voted affirmatively for the decision. Commissioner Mason recused himself with respect to MUR 4940; he was not present and did not vote.

Attest:

January 18, 2001
Date

Darlene Harris
Darlene Harris
Acting Deputy Secretary
of the Commission